



SCHOOL OF LAW

UNIVERSITY of WASHINGTON

Innocence Project Northwest Clinic

April 30, 2011

Camilla Faulk, Supreme Court Clerk
Washington State Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929

RE: Proposed Rule - CrR 4.11

Dear Ms. Faulk,

Thank you for considering our letter in support of proposed Superior Court Criminal Rule (CrR) 4.11. The Innocence Project Northwest Clinic (IPNW) works exclusively on post-conviction claims of actual innocence in Washington State. The IPNW was originally formed as a volunteer attorney organization in 1997, and since 2002 has been a formal clinical offering at the University of Washington - School of Law.

The passage of time complicates the resolution of claims of actual innocence due to the erosion of memory, and the death or unavailability of witnesses following the original proceeding. Witness statements are often central to both the State's prosecution theory and to the defense. It is therefore in everyone's best interest to preserve such statements in the most complete and accurate format. Proposed CrR 4.11 will facilitate the collection of the best evidence by providing a verbatim record of a witness's interview statements.

Every criminal case is impacted by the caliber of the original investigation of the case, and the quality of the evidence collected. Audio recording and transcription of witness interviews are simply the best methods available to accurately preserve witness statements. To this end, proposed CrR 4.11 will facilitate the just resolution of criminal cases in the original proceedings and in post-conviction appeals.

Sincerely,

Jacqueline McMurtrie, Associate Professor
Director, IPNW Clinic

Lara Zarowsky
Policy Staff Attorney, IPNW Clinic